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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,649

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Masataka Nakazawa

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3749

22429

7590

04/11/2008

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EXAMINER

PETKOVSEK, DANIEL

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,649	<b>Applicant(s)</b> NAKAZAWA ET AL.	
	<b>Examiner</b> Daniel Petkovsek	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on election filed March 11, 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/14/05; 8/15/06</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This office action is in response to the election, with traverse, filed March 11, 2008.

Claims 1-15 are pending (claims 1-7 and 14 being withdrawn as being geared to a non-elected group). Applicant has elected Group II, claims 8-13 and 15 for examination on the merits.

#### ***Election/Restrictions***

1. Claims 1-7 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group I, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 11, 2008.

2. Applicant's election with traverse of Group II in the reply filed on March 11, 2008 is acknowledged. The traversal is on the grounds that "the inventions can easily be searched without undue burden for the Examiner". This is not found persuasive because the restriction requirement mailed February 11, 2008 meets each requirement of the MPEP, and further that the extra searching would be burdensome. If Applicant wishes to pursue non-elected claims 1-7 and 14, it is recommended that a divisional application be filed with these withdrawn claims.

The requirement is still deemed proper and is therefore made **FINAL**.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The prior art documents submitted by Applicant in the Information Disclosure Statements filed on October 14, 2005 and August 15, 2006, have been considered and made of record (note attached copy of forms PTO-1449).

***Claim Objections***

5. Claim 15 is objected to because of the following informalities: in the preamble, "method comprising that" should read "method comprising".

Appropriate correction is required.

***Allowable Subject Matter***

6. Claims 8-13 are allowed. The following is an examiner's statement of reasons for allowance: the closest prior art of record (Kato et al. U.S.P. No. 6,870,663 B2; Toshikazu JP 11-112425) does not teach or reasonably suggest, in combination, a specific optical function generator that generates a pulse train, an optical *Fourier* transform circuit for frequency converting a spectrum of the pulse *to a time waveform*, this transform circuit including an optical *phase modulator* driven at a particular repetition frequency of the input pulse and also a *dispersion medium* (see Figure 2), and an optical filter shaping the spectrum and *placed in between* the Fourier transform circuit and the input pulse train, in which the transform circuit generates an optical pulse having the desired time waveform by producing directly in the time domain the spectrum shaped as desired by the optical filter (independent claim 8). Dependent claims 9-13 are directly dependent upon independent claim 8.

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7. Regarding independent method claim 15, this claim is not taught or reasonably suggested by the closest prior art of record for the same reasons as independent claim 8 above, and would be allowable if the minor informalities as indicated are corrected.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Inventorship***

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: PTO-892 form references A-C.

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**10. This application is in condition for allowance except for the following formal matters:**

A.) Claims 1-7 and 14, having been withdrawn but non-elected *with traverse*, must be formally canceled in response to this office action. The restriction requirement has been made final, as is fully addressed above.

B.) The minor informalities to independent method claim 15 must be corrected.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Petkovsek whose telephone number is (571)272-4174. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Petkovsek/  
Daniel J Petkovsek  
Examiner, Art Unit 2874  
April 4, 2008

/Sung H. Pak/  
Primary Examiner, Art Unit 2874